

Fwd: Alerting the Board. Please Read.

2 messages

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From: **Barbara Luderowski & Michael Olijnyk** <barbara.michael@mattress.org>

Date: Thu, May 17, 2018, 6:13 PM

Subject: Alerting the Board. Please Read.

I want to alert the Board about a current personnel matter that may be escalated to the Board level by a group of disgruntled employees. I want you to know the background in case any staff member attempts to discuss the matter with you.

I received a complaint in February from a current employee who claims to have been sexually harassed by another employee. None of the individuals involved are management employees, and this was the first time when any of these allegations have been reported to me or any member of management at the Mattress Factory, to the best of my knowledge. I investigated the matter by interviewing the employee, the alleged harasser, and four former employees who were identified by the complainant as having been sexually harassed by the alleged harasser. I take these allegations very seriously, and it took some time to complete the investigation.

Many of the allegations against the alleged harasser are extremely serious. However, all of the most egregious claims of sexual misconduct allegedly occurred between three and five years ago, outside the Mattress Factory, and were unrelated to the individuals' work at Mattress Factory. Moreover, all of the most egregious allegations of sexual misconduct were based on hearsay rather than first-hand knowledge.

The Complainant was the only person who claimed to have experienced first-hand inappropriate behavior at the Mattress Factory. The Complainant claimed that while at work, the alleged harasser smelled her hair, came too close to her, and gave her an uninvited back rub. I addressed her allegations with the alleged harasser, who denied everything but the back rub. He was given a disciplinary warning not to engage in any further inappropriate behavior and was required to attend one-on-one workplace harassment training with our employment counsel. We also scheduled mandatory workplace harassment training for all employees on May 25, 2018.

The Complainant is not satisfied with the outcome of the investigation, and demands that the alleged harasser be fired. She has advised many, if not all, employees about her complaint and her dissatisfaction with the outcome. She claims that the alleged harasser is a sexual predator, and that it is not safe for employees to work with him. This has caused a great

deal of concern among the staff. However, none of the allegations that she has made to the staff are supported by any first-hand knowledge or evidence that was provided to me in the investigation.

Yesterday, I was presented with a letter that was signed by a number of staff members demanding, among other things, that I immediately fire an unnamed employee based upon uncorroborated allegations of sexual misconduct. I was given a deadline of May 18, 2018 to respond to the letter. Just before I was presented with this letter, the accused harasser and his parents appeared in my office threatening legal action against the employees who are making these allegations. Another employee apparently advised him that a group of employees is circulating serious allegations about him and will be demanding his termination. He asked to take a few days leave to sort through this, which was immediately granted.

I worked with our employment counsel to address all of these issues, and responded to the employees who wrote the letter with the attached memorandum inviting anyone with first-hand knowledge or evidence of their allegations to come forward immediately. I will keep the Board posted on further developments.

Michael